



THE CITY OF SAN DIEGO **MANAGER'S REPORT**

DATE ISSUED: January 21, 2004 REPORT NO. 04-012

ATTENTION: Honorable Mayor and City Council
Docket of January 27, 2004

SUBJECT: YMCA LA JOLLA, MITIGATED NEGATIVE DECLARATION NO.
4859, PROJECT NO. 4859, COUNCIL DISTRICT 1, PROCESS 3.

REFERENCE: Planning Commission Report No. P-03-341

OWNER/
APPLICANT: YMCA La Jolla, Richard A Collato, President and CEO

SUMMARY

Issues - Should the City Council AFFIRM the Planning Commission's November 13, 2003 adoption of Mitigated Negative Declaration (MND) and Mitigation, Monitoring, and Reporting Program No. 4859?

Staff's Recommendation - Deny the appeal and uphold the Environmental Determination [Mitigated Negative Declaration (MND) No. 4859 and the Mitigation, Monitoring and Reporting Program].

Planning Commission Recommendation – On November 13, 2003, the Planning Commission voted 5 - 1 to adopt Mitigated Negative Declaration No. 4859 and adopted the Mitigation, Monitoring and Reporting Program.

Community Planning Group Recommendation – On September 9, 2003, the La Jolla Community Planning Association voted 8-7-2 to recommend approval of the project with conditions.

Other Recommendations – On July 15, 2003, the La Jolla Shores Advisory Board voted 4-0 to recommend approval with conditions/recommendations.

Environmental Review – The City of San Diego as Lead Agency under the California Environmental Quality Act (CEQA) has prepared and completed a Mitigated Negative Declaration, Project No. 4859, and Mitigation, Monitoring and Reporting Program covering Site Development Permit No. 8030.

Fiscal Impact – All costs associated with processing of this project are paid from a deposit account maintained by the applicant.

Code Enforcement Impact – None with this action.

Housing Impact Statement - None with this action.

Water Quality Impact Statement - The total amount of runoff from the site would not be altered from existing site conditions. Pollutants generated at the site would be treated either by a filtering device in combination with a natural site feature or by treatment through discharge into vegetation prior to leaving the site. This development would treat site run-off in compliance with the City of San Diego Storm Water Standards regulations effective December 2002. These measures would mitigate any water quality impacts to below a level of significance.

BACKGROUND

The 5.25 acre project site is currently developed with an existing two-story fitness facility originally constructed in 1964, and currently totals approximately 31,139 square feet of gross floor area with approximately 190 off-street parking spaces. The last expansion of the facility was approved in 1998, under La Jolla Shores Planned district Permit 96-7305. The project site is located at 8355 Cliffridge Avenue, within the Northwest YMCA Zone of the La Jolla Shores Planned District, Coastal Height Limitation Overlay zone and the Campus Parking Impact Overlay Zone within the La Jolla Community Plan Area. The Torrey Pines Elementary School is directly across Cliffridge Avenue to the northwest, ball fields leased to La Jolla Youth and Cliffridge Park are directly adjacent to the west/southwest, and residences are located to the northeast, east, and across Via Posada to the south. A Site Development Permit is required, by the Land Development Code (Sec. 103.0302.3), for the proposed development within the La Jolla Shores Planned District, which amends the past permit, La Jolla Shores Planned District Permit 96-7305.

After receiving the staff report and testimony from the public, the subject project was approved by the Hearing Officer, September 10, 2003.

Appeal to Planning Commission

On September 24, 2003, A. P. Winter, Susan Moore, and William Eigner appealed the Hearing Officer's approval of this project with concerns about traffic, pedestrian safety, land use compatibility, screening of the parking area, reduced access to Cliffridge Park and Torrey Pines Elementary, and adequacy of the environmental document.

After receiving the staff report and testimony from the appellants and interested parties on November 13, 2003, the Planning Commission voted 5-1 to uphold the decision of the Hearing Officer and to adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program.

Appeal to City Council

Effective January 1, 2003, Section 21151(c) of the California Environmental Quality Act has been amended as follows: *If a non-elected decision making body of a local lead agency certifies an environmental impact report, approves a negative declaration or mitigated negative declaration, or determines that a project is not subject to this division, that certification, approval, or determination may be appealed to the agency's elected decision making body, if any.*

Pursuant to this amended legislation, Dara Stern, Sue Moore and A.P. Winters filed an appeal of the Planning Commission's decision on November 24, 2003 and November 28, 2003, respectively. Note that CEQA now allows any interested party to appeal the adoption of an environmental document to the agency's elected decision making body, which in this case is City Council. However, this new appeal process applies only to the environmental document. Planning Commission's decision regarding the Site Development Permit, which was the result of an appeal of the Hearing Officer's decision (Process 3), is not appealable to the City Council.

DISCUSSION

The project proposes to demolish an existing one-story fitness building, a portion of the adjacent two-story fitness building, four tennis courts and surface parking. A portion of the existing two-story fitness building will remain on site and be expanded to include additional fitness facilities, a natatorium, and a gymnasium for a total of 59,074 square feet of gross floor area. An outdoor pool is also proposed along with 298 surface parking spaces.

The proposed building elevations indicate the use of light tan/creme colored stucco exterior walls, clear and translucent glass, and natural slate/grey colored finish metal roof. The project site is fairly flat with approximately 8,600 cubic yards of cut for the basement, pools and portions of the first floor. The project is designed to comply with the 30 foot height limit with a building height of approximately twenty-five feet. The project site is not within or adjacent to a view corridor as identified by the La Jolla/La Jolla Shores Local Coastal Program.

Appellant's Position

The appellant's position is that there is substantial evidence of significant impacts in several environmental issue areas, and that an Environmental Impact Report (EIR) should be prepared. The information submitted by the appellants for this appeal is similar to the issues raised during the public review period of the MND. The majority of the issues were not related to the adequacy of the environmental document and all issues were responded to in the response to comments for the final MND. The appeal of the Planning Commissions decision do not raise

any new environmental issues that have not previously been addressed in the final MND. City staff investigated the potential for significant impacts related to all aspects of the YMCA - La Jolla project, both during the initial study phase and in response to all communications from the appellants, and did not find such substantial evidence. Since all significant environmental issues have been mitigated to below a level of significance staff believes that the MND prepared for the project is the appropriate document and is in conformance with the requirements of CEQA.

CEQA Requirements for Environmental Documents

CEQA requires the preparation of an EIR when there is substantial evidence, in light of the whole record, that a project may have a significant impact on the environment [Section 21080(d)]. However, if any identified significant effects can be mitigated to below a level of significance through revisions in the project, which are made by or agreed by the applicant, CEQA requires the lead agency to adopt a Mitigated Negative Declaration [Section 21080(c)]. The MND for the La Jolla YMCA identifies potentially significant impacts to paleontological resources and Water Quality which have been mitigated to below a level of significance. Therefore, an EIR was not required per the previously stated sections of CEQA.

CEQA Definition of Substantial Evidence

Section 21080(e) of CEQA states that "...substantial evidence includes fact, a reasonable assumption predicated upon fact, or expert opinion supported by fact. Substantial evidence is not argument, speculation, unsubstantiated opinion or narrative..."

In evaluating whether there was substantial evidence of significant impacts resulting from the YMCA - La Jolla project, staff relied upon expert opinions supported by facts and documentation.

CONCLUSION

Staff has exhaustively investigated the issues raised by the public and has determined that no substantial evidence of unmitigated impacts exists. Staff believes that the MND prepared for the project is in conformance with Section 21080(c) of the California Environmental Quality Act, which requires the lead agency's decision maker to adopt an MND if significant effects can be mitigated below a level of significance through project revisions made by or agreed by the applicant. Staff therefore recommends affirming the Planning Commission's adoption of the Mitigated Negative Declaration No. 4859.

ALTERNATIVE

Grant the appeal, set aside the environmental determination, and remand the matter to the lower decision maker for reconsideration, with any direction or instruction the City Council deems appropriate (Mitigated Negated Negative Declaration No. 4859).

Respectfully submitted,

Tina P. Christiansen, A.I.A.
Development Services Director

Approved: P. Lamont Ewell
Assistant City Manager

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Note: The attachments are available in electronic format. A copy is available for review in the Office of the City Clerk.

Attachments:

1. CEQA – New Law
2. Community Plan Land Use Map
3. Project Location Map
4. Full Copy of Appeals
5. Ownership Disclosure Statement